

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRAVELERS CASUALTY AND SURETY COMPANY as
Administrator for RELIANCE INSURANCE COMPANY,

Plaintiff,

- against -

DORMITORY AUTHORITY – STATE OF NEW YORK, TDX
CONSTRUCTION CORP., and KOHN PEDERSEN FOX
ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE STATE OF NEW YORK
and TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

- against –

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

- against –

CAROLINA CASUALTY INSURANCE COMPANY, BARTEC
INDUSTRIES, INC., DAYTON SUPERIOR SPECIALTY
CHEMICAL CORP. a/k/a DAYTON SUPERIOR
CORPORATION, SPECIALTY CONSTRUCTION BRANDS,
INC. t/a TEC, KEMPER CASUALTY INSURANCE
COMPANY d/b/a KEMPER INSURANCE COMPANY,
GREAT AMERICAN INSURANCE COMPANY, NATIONAL
UNION FIRE INSURANCE COMPANY OF PITTSBURGH,
PA., UNITED STATES FIRE INSURANCE COMPANY,
ALLIED WORLD ASSURANCE COMPANY (U.S.) INC. f/k/a
COMMERCIAL UNDERWRITERS INSURANCE COMPANY,
ZURICH AMERICAN INSURANCE COMPANY d/b/a
ZURICH INSURANCE COMPANY, OHIO CASUALTY
INSURANCE COMPANY d/b/a OHIO CASUALTY GROUP,
HARLEYSVILLE MUTUAL INSURANCE COMPANY (a/k/a
HARLEYSVILLE INSURANCE COMPANY), JOHN DOES 1-
20 AND XYZ CORPS. 1-20,

Fourth-Party Defendants.

Case No.
07 Civ. 6915 (DLC)

**ANSWER OF DASNY
AND TDX TO
COUNTERCLAIM OF
FOURTH-PARTY
DEFENDANT
OHIO CASUALTY**

Defendants/Third-Party Plaintiffs Dormitory Authority of the State of New York ("DASNY") and TDX Construction Corp. ("TDX"), by their attorneys, Holland & Knight LLP, answer the "counterclaims" of Fourth-Party Defendant Ohio Casualty Insurance Company ("OCIC"), dated December 7, 2007 ("OCIC's Counterclaims"), as follows:

ANSWERING THE "FIRST COUNT"

1. Paragraph 1 of the First Count of OCIC's Counterclaims merely repeats and realleges its answers to the Fourth-Party Complaint, and DASNY and TDX are not required to respond thereto. To the extent that DASNY and TDX are required to respond, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the First Count.

2. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the First Count of OCIC's Counterclaims.

3. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the First Count of OCIC's Counterclaims.

4. The allegations contained in paragraph 4 of the First Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the First Count.

5. The allegations contained in paragraph 5 of the First Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a

response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the First Count.

6. The allegations contained in paragraph 6 of the First Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the First Count.

7. The allegations contained in paragraph 7 of the First Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the First Count.

8. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the First Count of OCIC's Counterclaims.

9. The allegations contained in paragraph 9 of the First Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the First Count.

10. The allegations contained in paragraph 10 of the First Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the First Count.

11. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the First Count of OCIC's Counterclaims.

12. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the First Count of OCIC's Counterclaims.

13. The allegations contained in paragraph 13 of the First Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the First Count.

14. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the First Count of OCIC's Counterclaims.

15. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the First Count of OCIC's Counterclaims.

16. The allegations contained in paragraph 16 of the First Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the First Count.

17. The allegations contained in paragraph 17 of the First Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a

response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the First Count.

18. The allegations contained in paragraph 18 of the First Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the First Count.

19. The allegations contained in paragraph 19 of the First Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of the First Count.

20. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the First Count of OCIC's Counterclaims.

21. The allegations contained in paragraph 21 of the First Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the First Count.

22. The allegations contained in paragraph 22 of the First Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of the First Count.

23. The allegations contained in paragraph 23 of the First Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a

response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23 of the First Count.

24. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 24 of the First Count of OCIC's Counterclaims.

25. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25 of the First Count of OCIC's Counterclaims.

26. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26 of the First Count of OCIC's Counterclaims.

27. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 27 of the First Count of OCIC's Counterclaims.

28. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 28 of the First Count of OCIC's Counterclaims.

29. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 29 of the First Count of OCIC's Counterclaims.

30. The allegations contained in paragraph 30 of the First Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a

response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 30 of the First Count.

ANSWERING THE "SECOND COUNT"

31. Paragraph 1 of the Second Count of OCIC's Counterclaims merely repeats and realleges its answers to the Fourth-Party Complaint, and DASNY and TDX are not required to respond thereto. To the extent that DASNY and TDX are required to respond, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Second Count.

32. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Second Count of OCIC's Counterclaims.

33. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Second Count of OCIC's Counterclaims.

34. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Second Count of OCIC's Counterclaims.

35. The allegations contained in paragraph 5 of the Second Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Second Count.

36. The allegations contained in paragraph 6 of the Second Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a

response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Second Count.

37. The allegations contained in paragraph 7 of the Second Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Second Count.

38. DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Second Count of OCIC's Counterclaims.

39. The allegations contained in paragraph 9 of the Second Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Second Count.

40. ~~DASNY and TDX are without knowledge or information sufficient to form a~~ belief as to the truth of the allegations contained in paragraph 10 of the Second Count of OCIC's Counterclaims.

41. The allegations contained in paragraph 11 of the Second Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Second Count.

42. The allegations contained in paragraph 12 of the Second Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a

response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Second Count.

43. The allegations contained in paragraph 13 of the Second Count of OCIC's Counterclaims state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Second Count.

FIRST AFFIRMATIVE DEFENSE

44. OCIC's Counterclaims fail to state a cause of action against DASNY upon which relief may be granted.

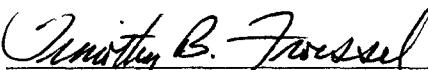
SECOND AFFIRMATIVE DEFENSE

45. OCIC's Counterclaims fail to state a cause of action against TDX upon which relief may be granted.

WHEREFORE, DASNY and TDX demand judgment dismissing OCIC's Counterclaims in their entirety as against them, together with the costs and disbursements of this action, attorneys' fees, and such other and further relief as the Court may deem just and proper.

Dated: New York, New York
January 7, 2008

HOLLAND & KNIGHT LLP
*Attorneys for Defendants Dormitory
Authority of the State of New York and
TDX Construction Corp.*

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SOUTHERN DISTRICT OF NEW YORK

TRAVELERS CASUALTY AND SURETY
COMPANY as Administrator for RELIANCE
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ECF CASE

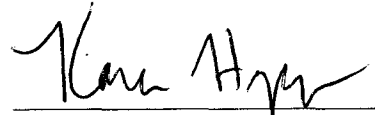
AFFIDAVIT OF SERVICE

KAREN L. HIPPNER hereby declares the following to be true under penalty of perjury:

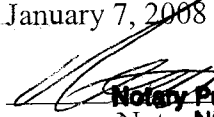
On January 7, 2008, I caused the foregoing Answer of DASNY and TDX Construction Corp. to Counterclaim of Fourth Defendant Ohio Casualty to be served upon all parties listed in the attached service list, at the addresses designated for service by depositing same, enclosed in a properly addressed wrapper, first-class postage, in an official depository under the exclusive care of the United States Postal Service within the State of New York.

On January 7, 2008, I caused the foregoing Answer of DASNY and TDX Construction Corp. to Counterclaim of Fourth Defendant Ohio Casualty to be served via electronic filing upon all parties currently appearing in this litigation.

Dated: New York, New York
January 7, 2008


Karen L. Hippner

Sworn to before me this date
January 7, 2008


BO FEELY
Notary Public, State of New York
Notary ID # 01FE6161594
Qualified in New York County
Commission Expires February 26, 20 11

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